

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMON RIVIERA; CURTIS BANTA;
YONKMAN CONSTRUCTION, INC.; PARAS
HOMES, LLC; CONDRON HOMES, LLC;
GARCO CONSTRUCTION, INC.; ARLINGTON
360, LLC; HUSEBY HOMES, INC.; SPOKANE
HOME BUILDERS ASSOCIATION;
WASHINGTON STATE ASSOCIATION OF UA
PLUMBERS, PIPEFITTERS AND HVAC/R
SERVICE TECHNICIANS; LOCAL 32 OF UA
PLUMBERS, PIPEFITTERS AND HVAC/R
SERVICE TECHNICIANS; WASHINGTON
AND NORTHERN IDAHO DISTRICT
COUNCIL OF LABORERS; CITIZEN ACTION
DEFENSE FUND; NATIONAL PROPANE GAS
ASSOCIATION; AVISTA CORPORATION;
CASCADE NATURAL GAS CORPORATION;
and NORTHWEST NATURAL GAS
COMPANY,

Plaintiffs,

v.

KJELL ANDERSON, JAY ARNOLD, TODD
BEYREUTHER, JUSTIN BOURGAULT,
DAIMON DOYLE, TOM HANDY, ANGELA
HAUPT, ROGER HEERINGA, MATTHEW
HEPNER, CRAIG HOLT, TYE MENSER,
BENJAMIN OMURA, PETER RIEKE, KATY
SHEEHAN, in their official capacities as
Washington State Building Code Council
Members; and BOB FERGUSON, in his official
capacity as Attorney General of Washington,

Defendants.

Case No. 2:24-cv-00677-KKE

**JOINT MOTION TO MODIFY
BRIEFING SCHEDULE AND DATE
TO AMEND THE COMPLAINT**

**NOTE ON MOTION CALENDAR:
July 30, 2024**

JOINT MOTION TO MODIFY BRIEFING
SCHEDULE AND DATE TO AMEND THE
COMPLAINT - 1

132285.0009/9829521.1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107

1 The parties jointly request to modify the briefing schedule on Defendants' Motion to
 2 Dismiss, Dkt. 42, as well as Plaintiffs' deadline to amend the complaint as a matter of course under
 3 Rule 15(a)(1). The parties previously stipulated to a schedule, and the Court entered an order on
 4 the stipulation. Dkt. 31. The stipulation contemplated that a further schedule change may be
 5 necessary. Given the arguments made in Defendants' Motion, Plaintiffs anticipate needing
 6 additional time to respond. Defendants do not oppose Plaintiffs' request. Accordingly, the parties
 7 request that the Court modify the briefing schedule and set the following dates:

8 Deadline to respond to Defendants' Motion to Dismiss: August 30, 2024

9 Deadline to amend the complaint as a matter of course: August 30, 2024

10 Deadline to reply in support of Defendants' Motion to Dismiss: September 13, 2024

11 The Local Rules permit the parties to adjust noting dates for motions. *See* LCR 7(l). To the
 12 extent that good cause is required under Rule 16(b)(4), the parties respectfully state that the
 13 changed dates will permit the issues to be fully briefed. The amended briefing schedule will also
 14 align the date to amend the complaint as a matter of course under Rule 15(a)(1)(B) with the
 15 deadline for the response brief, in accordance with the Local Civil Rules. *Compare* Fed. R. Civ.
 16 P. 15(a)(1)(B) (setting the deadline to amend as a matter of course as 21 days after service of a
 17 motion under Rule 12(b)), *with* LCR 7(d)(4) (setting the deadline to oppose a motion to dismiss as
 18 21 days after the filing date of the motion).

1 DATED: July 30, 2024

2 LANE POWELL PC

3
4 By: s/ Devon J. McCurdy
5 Callie A. Castillo, WSBA No. 38214
6 Devon J. McCurdy, WSBA No. 52663
7 1420 Fifth Avenue, Suite 4200
8 P.O. Box 91302
9 Seattle, Washington 98111-9402
(206) 223-7000
castilloc@lanepowell.com
mccurdyd@lanepowell.com

10 *Attorneys for the Homeowners, Builders, and*
11 *Suppliers, and Unions*

12 SNELL & WILMER L.L.P.

13
14 By: s/ Clifford S. Davidson
15 Clifford S. Davidson, WSBA No. 48313
16 Amit D. Ranade, WSBA No. 34878
17 Mallory L. B. Satre, WSBA No. 50194
18 SNELL & WILMER L.L.P.
19 600 University Street, Suite 310
20 Seattle, WA 98101
(206) 741-1402
csdavidson@swlaw.com
aranade@swlaw.com
msatre@swlaw.com

21 BAKER BOTTS L.L.P.

22 Megan H. Berge, *admitted pro hac vice*
23 Scott Novak, *admitted pro hac vice*
24 700 K Street NW
25 Washington, D.C. 20001
26 (202) 639-1308
megan.berge@bakerbotts.com
scott.novak@bakerbotts.com

27 *Attorneys for the Utilities*

WASHINGTON ATTORNEY GENERAL'S
OFFICE

By: s/ Sarah E. Smith-Levy
Dierk Meierbachtol, WSBA No. 31010
Emma Grunberg, WSBA No. 54659
William McGinty, WSBA No. 41868
R. July Simpson, WSBA No. 45869
Sarah E. Smith-Levy, WSBA No. 55770
7141 Cleanwater Drive SW
P.O. Box 40111
Olympia, WA 98504-0111
(360) 709-6470
Dierk.Meierbachtol@atg.wa.gov
William.McGinty@atg.wa.gov
July.Simpson@atg.wa.gov
Emma.Grunberg@atg.wa.gov
Sarah.E.Smith-Levy@atg.wa.gov
Attorneys for Defendants

EARTHJUSTICE

By: s/ Jan E. Hasselman
Jan E. Hasselman, WSBA No. 29107
Noellia Gravotta, WSBA No. 60089
810 3rd Ave., Suite 610
Seattle, WA 98104
(206) 343-7340
jhasselman@earthjustice.org
ngravotta@earthjustice.org
*Attorneys for Intervenors Climate Solutions, The
Lands Council, Sierra Club, and Washington
Physicians for Social Responsibility*